



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: REID *et al.*

Application No.: 09/764,359

Group Art Unit: 1636

Filed: January 19, 2001

Examiner: Q. Nguyen

For: LIVER TISSUE SOURCE

Attorney Docket No. 215075.00601

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TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith are the following documents for filing in the above-referenced application:

1. Response to Election of Species Requirement Under 35 U.S.C. §121; and
2. Pending Claims.

Please charge any shortage in fees due in connection with the filing of this Amendment or credit any overpayment to Deposit Account No. 50-1710.

Respectfully submitted,

Robert R. Seabold, PH.D.
Registration No. 41,298
Gilberto M. Villacorta, PH.D.
Registration No. 34,038

Patent Administrator
KATTEN MUCHIN ZAVIS ROSENMAN
525 West Monroe Street, Suite 1600
Chicago, Illinois 60661-3693
Facsimile: (312) 902-1061

Dated: January 16, 2003



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RESPONSE TO ELECTION OF SPECIES REQUIREMENT UNDER 35 U.S.C. § 121

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated December 17, 2002 (Paper No. 13) and in accordance with the Rules of Practice, please enter the following amendments and consider the remarks below. Submitted herewith as Exhibit A is a copy of the pending claims.

ELECTION

In the Office Action dated December 17, 2002 (Paper No. 13), the Examiner required Applicants to elect between the donor tissue listed in the Markush Group of Claim 10 or 37, or a liver tissue as recited in Claim 11 or 38. The Office Action further required the election of species between neonate, infant, child, juvenile, or adult donors, as recited in Claims 8 and 25. Even further, the Office Action required Applicants to elect between the cell lineages recited in Claim 15: hepatic; hematopoietic; stromal; and mesenchymal cell lineages. In accordance with 35 U.S.C. § 121, Applicants hereby elect, with traverse, the species "liver tissue," as recited in Claim 11 or 38, the species "adult," as recited in Claim 8 or 25, and the species "hepatic cell lineage," as recited in Claim 15, without disclaimer of or prejudice to pursuing the non-elected subject matter in this or other applications, for prosecution on the merits, and to which the claims shall be restricted if no generic claim is finally held to be allowable.